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466 7590 09/17/2009

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EXAMINER

DANG, HUNG Q

ART UNIT

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2621

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/529,867	<b>Applicant(s)</b> KANEGAE ET AL.	
	<b>Examiner</b> Hung Q. Dang	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 18-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/01/2009 has been entered.

### ***Response to Arguments***

Applicant's arguments filed 07/01/2009 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

**Claims 28, 31, 33, 35, 37, and 40 are objected to because of the following informalities:**

Claim 28 recites, "the first record device records the second stream the sub-video control information ...," which is believed to be "the first record device records the second stream having the sub-video control information ..."

Claims 31, 33, 35, 37, and 40 recite, "a reproduction device for reproducing the play list information the object information ...," which is believed to be "a reproduction device for reproducing the play list information having the object information ..."

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 18-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saeki et al. (US Patent 6,067,400) and Hamada et al. (US 2002/0135608).**

Regarding claim 18, Saeki et al. disclose a computer-readable information recording medium (*Fig. 4; column 10, lines 1-17*) on which there are recorded: a first stream having video information to indicate a main-video (*Fig. 6; column 10, line 65 – column 11, line 13*); and a second stream having sub-video information, sub-video control information, wherein sub-video information to indicate a sub-video displayable at least partially over the main-video (*Fig. 10; column 10, line 65 – column 11, line 6; column 11, lines 18-24*); and sub-video control information including (i) a control information element for display control of the sub-video information in a method set in advance (*Fig. 14; column 15, lines 21-34; column 14, lines 33-50*) and (ii) information to indicate presence or absence, or effectiveness or ineffectiveness of the control information element (*column 14, lines 1-15; column 19, lines 43-56, column 15, lines 21-34, 42-51; Fig. 14; column 20, lines 26-30; column 14, lines 33-50*).

However, Saeki et al. do not disclose an object data file for collectively storing object data which includes a first stream having video information to indicate a main-video and a second stream having sub-video information, sub-video control information;

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a play list information file for collectively storing, in an area which is different from an area into which the object data file is stored a play list information which defines a plurality of item information each indicating a start time and an end time of the first and the second streams by a unit of item; and an object information file for collectively storing object information which includes information for indicating a storing position of the first and second streams corresponding to each item.

Hamada et al. disclose an object data file for collectively storing object data which includes a first stream having video information to indicate a main-video and a second stream having post-recording information (*Figs.2- 4; Fig. 14; Fig. 15; [0097]-[0100]; [0120]*); a play list information file for collectively storing, in an area which is different from an area into which the object data file is stored a play list information which defines a plurality of item information each indicating a start time and an end time of the first and the second streams by a unit of item (*Figs.2- 4; Fig. 14; Fig. 15; [0097]-[0100]*); and an object information file for collectively storing object information which includes information for indicating a storing position of the first and second streams corresponding to each item (*Fig. 10; [0114]*).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the teachings of Hamada et al. into the information recording medium disclosed by Saeki et al. in order to implement a friendlier user playback interface, in which users can specify sequences of streams to be played back in groups of editable play lists and to enhance the menu data display during playback by allowing menu data and moving picture data to be independently recorded (*see Nagano*

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*et al. – US Patent 5,651,087, Fig. 11; Fig. 15; Fig. 21; column 1, lines 29-65; column 14, lines 35-65; column 15, lines 33-60; column 16, lines 57-67; column 17, lines 25-44 for support for this motivation).*

Regarding claim 19, Saeki et al. also disclose the sub-video control information includes (i) a plurality of types of control information elements for display control of the sub-video information in various methods set in advance (*Fig. 14; column 15, lines 21-34; column 19, lines 57-62; column 20, lines 14-17*) and (ii) type indicating information to indicate presence or absence, or effectiveness or ineffectiveness of the control information elements by each of the types (*column 14, lines 1-15; column 19, lines 43-56, column 15, lines 21-34, 42-51; Fig. 14; column 20, lines 1-7, 26-30*).

Regarding claim 20, Saeki et al. also disclose the sub-video control information further includes sub-frame range information to specify at least a partial area of the sub-video as a sub-frame (*“start X-Y coordinates” and “end X-Y coordinates” in Fig. 14; column 15, lines 21-34*); the control information element comprises information for controlling the sub-video information by a unit of the sub-frame (*column 14, lines 38-44; column 15, lines 44-46; column 19, lines 57-62; column 20, lines 26-30; column 21, lines 17-20; Fig. 30; Fig. 31; Fig. 33; the sub-frame corresponds to the area that gets high-lighted*); and the type indication information indicates the presence or absence, or the effectiveness or ineffectiveness of the control information elements by the unit of the sub-frame (*column 14, lines 1-15; column 19, lines 43-56, column 15, lines 21-34, 42-51; Fig. 14; column 20, lines 26-30*).

Regarding claim 21, Saeki et al. also disclose the type indication information comprises table information including one bit of information by each of the types (*Fig. 13; Fig. 14; column 14, lines 1-15*).

Regarding claim 22, Saeki et al. also disclose the table information includes extension bit information which is not associated with the types (*"reserve" area in Fig. 13*), and a part occupied by the control information elements in the sub-video control information is variable-length (*column 13, lines 59-61*).

Regarding claim 23, Saeki et al. also disclose the control information element includes dynamic control information to display the sub-video information dynamically (*column 13, lines 38-52; column 14, lines 40-44; column 22, lines 50-56; Fig. 30; Fig. 31*).

Regarding claim 24, Saeki et al. also disclose the control information element includes shading-display control information to selectively shade an opaque part out of the sub-video and display it over the main-video (*column 17, lines 19-26; Fig. 12; Fig. 14*).

Regarding claim 25, Saeki et al. also disclose the control information element includes (i) button information which defines at least a part of the sub-video which is to be displayed over the main-video, as a button video part which functions as a button (*Fig. 14; column 15, lines 21-34*), and (ii) highlight information which defines how to perform highlight-display control over the button video part (*column 19, lines 63-67; column 22, lines 50-56*).

Regarding claim 26, Saeki et al. also disclose the main-video information (Fig. 8), the sub-video information (Fig. 14) and the sub-video control information (Fig. 13) are divided into predetermined packet units (Fig. 8; Fig. 9; Fig. 10; Fig. 11) and multiplexed (Fig. 6; Fig. 7), and further streamed relatively into the first stream composed of the divided main-video information, the second stream composed of the divided sub-video information set and the second stream composed of the divided sub-video control information (Fig. 6; Fig. 7).

Regarding claim 27, Saeki et al. disclose an information record apparatus (column 30, lines 20-40) comprising: a first record device for recording a first stream having video information to indicate a main-video (Fig. 6; column 10, line 65 – column 11, line 13) and a second stream having sub-video information, sub-video control information, wherein sub-video information indicating a sub-video displayable at least partially over the main video (Fig. 10; column 10, line 65 – column 11, line 6; column 11, lines 18-24), the sub-video control information including (i) a control information element for display control of the sub-video information in a method set in advance (Fig. 14; column 15, lines 21-34) and (ii) information to indicate presence or absence, or effectiveness or ineffectiveness of the control information elements (column 14, lines 1-15; column 19, lines 43-56, column 15, lines 21-34, 42-51; Fig. 14; column 20, lines 26-30).

However, Saeki et al. do not disclose an object data file for collectively storing object data which includes a first stream having video information to indicate a main-video and a second stream having sub-video information, sub-video control information;



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a second record device for recording a play list information file for collectively storing, in an area which is different from an area into which the object data file is stored a play list information which defines a plurality of item information each indicating a start time and an end time of the first and the second streams by a unit of item; and a third record device for recording an object information file for collectively storing object information which includes information for indicating a storing position of the first and second streams corresponding to each item.

Hamada et al. disclose an object data file for collectively storing object data which includes a first stream having video information to indicate a main-video and a second stream having post-recording information (*Figs.2- 4; Fig. 14; Fig. 15; [0097]-[0100]; [0120]*); a second record device for recording a play list information file for collectively storing, in an area which is different from an area into which the object data file is stored a play list information which defines a plurality of item information each indicating a start time and an end time of the first and the second streams by a unit of item (*Figs.2- 4; Fig. 14; Fig. 15; [0097]-[0100]*); and a third record device for recording an object information file for collectively storing object information which includes information for indicating a storing position of the first and second streams corresponding to each item (*Fig. 10; [0114]*).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the teachings of Hamada et al. into the information record apparatus disclosed by Saeki et al. in order to implement a friendlier user playback interface, in which users can specify sequences of streams to be played back in groups

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of editable play lists and to enhance the menu data display during playback by allowing menu data and moving picture data to be independently recorded (*see Nagano et al. – US Patent 5,651,087, Fig. 11; Fig. 15; Fig. 21; column 1, lines 29-65; column 14, lines 35-65; column 15, lines 33-60; column 16, lines 57-67; column 17, lines 25-44 for support for this motivation*).

Regarding claim 28, Saeki et al. also disclose the first record device records the sub-video control information includes (i) a plurality of types of control information elements for display control of the sub-video information in various methods set in advance (Fig. 14; column 15, lines 21-34; column 19, lines 57-62; column 20, lines 14-17) and (ii) type indicating information to indicate presence or absence, or effectiveness or ineffectiveness of the control information elements by each of the types (column 14, lines 1-15; column 19, lines 43-56, column 15, lines 21-34, 42-51; Fig. 14; column 20, lines 1-7, 26-30).

Claim 29 is rejected for the same reason as discussed in claim 27 above.

Claim 30 is rejected for the same reason as discussed in claim 28 above.

Regarding claim 31, Saeki et al. disclose an information reproduction apparatus for reproducing information on an information record medium (*Fig. 18; Fig. 20; column 17, lines 44-61*) on which there are recorded: a first stream having video information to indicate a main-video (*Fig. 6; column 10, line 65 – column 11, line 13*) and a second stream having sub-video information, sub-video control information, sub-video information indicating a sub-video displayable at least partially over the main-video (*Fig. 10; column 10, line 65 – column 11, line 6; column 11, lines 18-24*), the sub-video

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control information including (i) a control information element for display control of the sub-video information in a method set in advance (*Fig. 14; column 15, lines 21-34*) and (ii) information to indicate presence or absence, or effectiveness or ineffectiveness of the control information element (*column 14, lines 1-15; column 19, lines 43-56, column 15, lines 21-34, 42-51; Fig. 14; column 20, lines 26-30*); said information reproduction apparatus comprising: a reproduction device for reproducing the video information of the first stream (*column 18, lines 57-64*), the sub-video information and the sub-video control information of the second stream (*column 18, line 65 – column 19, line 12; column 20, lines 55-65*); a display output device capable of outputting the reproduced sub-video information over the reproduced video information (*Fig. 18; Fig. 35; column 21, lines 3-7*); and a control device for controlling the display output device to display-control the sub-video information in the method and display the sub-video information over the main-video, on the basis of the control information element whose presence or effectiveness is shown by the information to indicate presence or absence, or effectiveness or ineffectiveness of the control information element which is included in the reproduced sub-video control information (*column 10, line 65 – column 11, line 6; column 11, lines 18-24; column 21, lines 3-7; column 23, lines 1-19, 35-49*).

However, Saeki et al. do not disclose an object data file for collectively storing object data which includes a first stream having video information to indicate a main-video and a second stream having sub-video information, sub-video control information; a play list information file for collectively storing, in an area which is different from an area into which the object data file is stored a play list information which defines a

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plurality of item information each indicating a start time and an end time of the first and the second streams by a unit of item; and an object information file for collectively storing object information which includes information for indicating a storing position of the first and second streams corresponding to each item, the reproduction device reproduces the play list information the object information which corresponds to the play list information, the video information of the first stream which corresponds to the object information, the sub-video information and the sub-video control information of the second stream which corresponds to the object information.

Hamada et al. disclose an object data file for collectively storing object data which includes a first stream having video information to indicate a main-video and a second stream having post-recording information (*Figs.2- 4; Fig. 14; Fig. 15; [0097]-[0100]; [0120]*); a play list information file for collectively storing, in an area which is different from an area into which the object data file is stored a play list information which defines a plurality of item information each indicating a start time and an end time of the first and the second streams by a unit of item (*Figs.2- 4; Fig. 14; Fig. 15; [0097]-[0100]*); and an object information file for collectively storing object information which includes information for indicating a storing position of the first and second streams corresponding to each item (*Fig. 10; [0114]*), the reproduction device reproduces the play list information the object information which corresponds to the play list information, the video information of the first stream which corresponds to the object information, the post-recording stream of the second stream which corresponds to the object information (*Figs.2- 4; Fig. 14; Fig. 15; [0097]-[0100]; [0120]*).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the teachings of Hamada et al. into the information record apparatus disclosed by Saeki et al. in order to implement a friendlier user playback interface, in which users can specify sequences of streams to be played back in groups of editable play lists and to enhance the menu data display during playback by allowing menu data and moving picture data to be independently recorded (*see Nagano et al. – US Patent 5,651,087, Fig. 11; Fig. 15; Fig. 21; column 1, lines 29-65; column 14, lines 35-65; column 15, lines 33-60; column 16, lines 57-67; column 17, lines 25-44 for support for this motivation*).

Regarding claim 32, Saeki et al. also disclose the sub-video control information includes (i) a plurality of types of control information elements for display control of the sub-video information in a various methods set in advance (*Fig. 14; column 15, lines 21-34; column 19, lines 57-62; column 20, lines 14-17*) and (ii) type indicating information to indicate presence or absence, or effectiveness or ineffectiveness of the control information elements by each of the types (*column 14, lines 1-15; column 19, lines 43-56, column 15, lines 21-34, 42-51; Fig. 14; column 20, lines 1-7, 26-30*); the control device controls the display output device to display-control the sub-video information in the various methods and display the sub-video information over the main-video, on the basis of the control information elements whose presence or effectiveness is shown by the type indication information which is included in the reproduced sub-video control information (*column 10, line 65 – column 11, line 6; column 11, lines 18-24; column 21, lines 3-7; column 23, lines 1-19, 35-49*).

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Claim 33 is rejected for the same reason as discussed in claim 31 above.

Claim 34 is rejected for the same reason as discussed in claim 32 above.

Claim 35 is rejected for the same reasons as discussed in claims 27 and 31 above.

Claim 36 is rejected for the same reasons as discussed in claims 28 and 32 above.

Claim 37 is rejected for the same reasons as discussed in claims 27 and 31 above.

Claim 38 is rejected for the same reasons as discussed in claims 28 and 32 above.

Claim 39 is rejected for the same reason as discussed in claim 27 above.

Claim 40 is rejected for the same reason as discussed in claim 31 above.

Claim 41 is rejected for the same reasons as discussed in claims 27 and 31 above.

Claim 42 is rejected for the same reason as discussed in claim 18 above.

Claim 43 is rejected for the same reason as discussed in claim 19 above.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Q. Dang whose telephone number is (571)270-1116. The examiner can normally be reached on IFT.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hung Q Dang/  
Examiner, Art Unit 2621

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2621